Paper 1

UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,331 (RT) (From Technology Center 1600)

POLYMASC PHARMACEUTICALS PLC (6,132,763),Junior Party,

٧.

ALZA CORPORATION (09/174,298 and 09/843,578), Senior Party.

DECLARED: 14 February 2006

DECLARATION - Bd.R. 203(d)¹

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Declaration of interference

An interference is declared pursuant to 35 U.S.C. 135(a). Details of the applications, patent, count, and claims designated as corresponding to the count appear under headings E and F of this DECLARATION.

Administrative patent judge designated to administer the B. contested case

Administrative Patent Judge Richard Torczon has been designated to manage the interference. Bd. R. 104(a).

[&]quot;Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

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C. Standing order

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A copy of the Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this contested case.

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D. Conference call to set dates

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A telephone conference call to set dates for action in this contested case is scheduled for **2 p.m.** (Eastern) on **12 April 2006**. (The Board will initiate the call.)

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No later than **7 April 2006**, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends

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to file.

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A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

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E. The parties to this interference

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Junior Party

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Patent: 6,132,763 [763], granted 17 October 2000

(08/459,822, filed 2 June 1995)

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Title: Liposomes

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Inventors: Derek Fisher and Francis Gillian, both of London, United Kingdom

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Paper 1 Interference No. 105,331 Page 3 PolyMASC Pharms. PLC v. Alza Corp. 1 Senior Party Applications: 09/174,298 [298], filed 16 October 1998 2 09/843,578 [578], filed 26 April 2001 3 Title: Liposomes with enhanced circulation time and method of treatment Inventors: Francis J. Martin of San Francisco, 4 Martin C. Woodle of Menlo Park, Carl Redemann of Walnut Creek, and Annie Yau-Young of Palo Alto, all of California 5 F. Count and claims of the parties 6 Count 1 7 A liposome of 763 claim 1 or a liposome composition of 298 claim 40. 8 9 The claims of the parties are: 10 PolyMASC: 1-11 11 Alza 298: 41-46 21-24 12 Alza 578: The claims corresponding to Count 1: 13 PolyMASC: 1, 2, and 4-11 14 Alza 298: 41-46 15 16 Alza 578: 21-24 The claims not corresponding to Count 1: 17 18 PolyMASC: 3 19 Alza: None

/RICHARD TORCZON/ Administrative Patent Judge Interference No. 105,331
PolyMASC Pharms. PLC v. Alza Corp.

Enclosures:

Copy of STANDING ORDER (Paper 2) Copy of the application² claims for 09/174,298 and 09/843,578

cc (via overnight delivery):

For PolyMASC Pharmaceuticals PLC:

FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130 Tel: 858-678-5070

For Alza Corporation:

Judy M. Mohr PERKINS COIE LLP 101 JEFFERSON DRIVE MENLO PARK, CA 94025

Tel: 650-838-4300 Fax: 650-838-4350

² Any United States patent listed in this paper is available at http://patft.uspto.gov/netahtml/srchnum.htm.

Interference No. 105,331 Paper 1
PolyMASC Pharms. PLC v. Alza Corp. Page 6

ADDENDUM 1

Filed on behalf of: [Name of Party]

Paper No. [Leave blank]

By:

[Name of lead counsel

Name of backup counsel

Street address

City, State, and ZIP Code

Tel:

Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

POLYMASC PHARMACEUTICALS PLC (6,132,763), Junior Party,

٧.

ALZA CORPORATION (09/174,298 and 09/843,578), Senior Party.

Patent Interference No. 105,331 (RT)

TITLE OF PAPER

ADDENDUM 2

FILE COPY REQUEST Patent Interference No. 105,331

Attach a copy of sections E and F of this DECLARATION to this REQUEST. On the copy, circle each patent and application that you are requesting. Include the following information to facilitate processing of this REQUEST:

wing information to facilitate processing of this REQUEST:
Charge fees to USPTO Deposit Account No.
Complete address, ³ including street, city, state, ZIP code, and telephone
number:
Telephone, including area code:

³ Provide a <u>street</u> address, NOT a Post Office Box. The Office of Public Records uses a commercial overnight delivery service rather than the United States Postal Service to deliver file copies.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES BOX INTERFERENCE, WASHINGTON, D.C. 20231

> Filed by: Judge Richard Torczon Telephone: 571-272-9797 Facsimile: 571-273-0042

MAILED

FEB 1 4 2006

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES Applicants: MARTIN

Application No.: 09/843,578

Filed: 04/26/01

For: Liposomes with enhanced circulation time

and method of treatment

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,331.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard Torczon/ RICHARD TORCZON Administrative Patent Judge

INTERFERENCE DIGEST

Interference No. 105,331	Paper No.	
Name: Francis J. Martin, et al.		
Serial No.: 09/843,578	Patent No.	
Title: Liposomes with enhanced circulation time and method of treatment		
Filed: 04/26/01		
Interference with Fisher et al.		
DECISION ON MOTIONS		
Administrative Patent Judge,	Dated,	
<u> </u>		
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FINAL DECISION		
Board of Patent Appeals and Interferences,		
Court,		
REMARKS		
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This should be placed in each application or patent involved in interference in addition to the interference letters.